



May 18, 2006

Karen Dinicola
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: NPDES & State Waste Discharge General Permit for
Discharges from Small MS4's in Eastern Washington

Dear Ms. Dinicola:

Thank you for the opportunity to comment on the draft Storm Water General Permit for Eastern Washington. As part of the 10-Cities Group, the City Kennewick was actively involved in the stakeholder process that eventually led to this permit. We were encouraged by what appeared to be a cooperative effort to create workable solutions for compliance with the Clean Water Act. Each revision to the draft permit has proved otherwise.

This "formal public comment draft" is clear evidence that the Department of Ecology does not understand Eastern Washington concerns or issues and is thoroughly out of touch with the challenges all small communities face. Compliance with the Phase 2 permit will create financial hardships statewide and is full of conditions that will burn precious resources with no discernible benefits in return.

Attached are Kennewick's comments. If you have questions, please contact Steve Plummer at (509) 585-4287, or by e-mail at stevep@ci.kennewick.wa.us.

Yours truly,

E. Russell Burtner
Executive Director of Municipal Services

Attachment: Comments on the NPDES & State Waste Discharge General Permit

cc: Peter M. Beaudry, Public Works Director
Dan Kaufman, City Engineer
Steve Plummer, Project Engineer
10-Cities Group

MUNICIPAL SERVICES DEPARTMENT

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Section S2.A – The reference to ground waters should be deleted. The Underground Injection Control Program regulates discharges from MS4's to ground. Combining the two creates unnecessary opportunity for litigation.

Section S2.A.1 – Should be reworded: “All discharges into and from municipal separate storm sewers that discharge to surface waters of the state and that are owned or operated by the Permittees must be in compliance with this permit.” The Underground Injection Control Program regulates discharges from MS4's to ground.

Section S2.C – Delete “unless the discharges from fire fighting activities are identified as significant sources of pollutants to water of the State.” Local agencies with fire departments are required to render assistance during a fire emergency.

Section S.4 – Ecology should clearly state in this section that compliance with the conditions of this permit is presumed to meet MEP and AKART.

Section S.4.E – Delete the reference to ground water. The Underground Injection Control Program regulates discharges from MS4's to ground.

Section S5.A.4.a – This does not allow time for the development of the “process for gathering, maintaining, and using information ---.” Compliance will not be possible “from the effective date of this permit.”

Section S5.B.3.b.iv.first bullet – This section should be rewritten to allow discharges of potable water to an MS4 with a chlorine concentration not to exceed 1.0 ppm. The current requirement of 0.1 ppm is unreasonable. This section should allow for some reduction in chlorine residual in the MS4 prior to discharge to surface water. Requiring de-chlorination of discharges from potable water sources above 0.1 ppm for all discharges to an MS4 will ultimately lead to a reduction in the frequency of maintenance practices such as dead-end line flushing and hydrant testing which will detrimental to public health and safety.

Section S5.B.3.b.iv.fourth bullet – This section should be rewritten to allow streets to be washed prior to sweeping when provisions to collect sediments are provided. Water is essential to controlling dust in Eastern Washington and washing of streets is key to an effective dust control strategy. Requiring streets to be swept prior to washing will have detrimental effects on air quality and a significant impact on the overall cost of dust control programs throughout Eastern Washington.

Section S5.B.4 – RCW 90.48 requires Ecology to issue and administer Construction Storm Water General Permits. This section would make local agencies direct agents of Ecology for enforcement of those permits. Cite the authority for this delegation of responsibility. Ecology collects the fees for the Construction Storm Water General Permits and, therefore, is responsible for the implementation of the program including enforcement, plan reviews, monitoring, etc. It is unreasonable and unnecessary to put this burden on local agencies. This section should be rewritten to indicate that agencies shall require project proponents to apply for coverage under the Construction Storm Water General Permit where appropriate and to notify Ecology of possible non-compliance.

Section S5.B.5.a.i.third bullet – A specific list of the records to be kept should be added.

Section S5.B.5.a.ii.second bullet.first open bullet – There are numerous hydrologic methods available for calculating runoff volumes and flow rates. Some can be calculated easily and some require special computer programs. Requiring that an agency pick one is overly restrictive and unfair to small businesses. The method should fit the proposed project. This is an agency decision and should not be in the permit.

Section G9 – Delete. Monitoring is not required during this permit term.

Appendix 1 – **Should be in the manual as guidance!** Revise Chapter two of the Storm Water Management Manual for Eastern Washington as required. Inclusion of this appendix in the permit, by reference, makes the entire Storm Water Management Manual for Eastern Washington a regulatory requirement instead of a guidance document.